

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

September 4, 2015

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Land Use Committee, having met on August 19, 2015, makes reference to County Communication 15-108, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO A-1 APARTMENT DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY (2) 4-3-009:005, LAHAINA, MAUI, HAWAII."

The purpose of the proposed bill is to grant a request from Chris Hart & Partners, Inc., on behalf of Mahina Surf AOA, for a Change in Zoning from R-3 Residential District to A-1 Apartment District for 1.96 acres at 4057 Lower Honoapiilani Road, Lahaina, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 4-3-009:005, to make the property's zoning consistent with its Multi-Family designation in the West Maui Community Plan.

Your Committee notes the subject property is in the Urban State Land Use District and within the Maui Island Plan's Urban Growth Boundary.

According to the "MAUI PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION JULY 22, 2014 MEETING," the condominium project known as the Mahina Surf consists of 56 units in three 2-story buildings. The project was approved for construction in the Residential District in 1968. No development, construction, or change in use is being proposed.

A representative of Mahina Surf AOA informed your Committee that on January 5, 2012, a Special Management Area minor permit was granted for a landscape restoration project at the Mahina Surf. As a condition of approval, an application for a Change in Zoning was

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required to be filed within one year, to align the property's land use designations. The Mahina Surf AOA applied for the Change in Zoning on April 5, 2012. On July 22, 2014, the Maui Planning Commission recommended approval of the Change in Zoning without conditions.

The Deputy Planning Director said the Department supports the request, and noted it will not increase any impacts of the site and will appropriately align its land use designations.

The Deputy Director noted Mahina Surf's short-term rental use would be allowed to continue in the A-1 Apartment District pursuant to recent amendments to the Maui County Code. She said the use would also qualify as an existing nonconforming use, which would provide an independent basis for the use to continue.

Your Committee notes the Change in Zoning would implement the following West Maui Community Plan standards:

- "All zoning and land use approvals shall be consistent with the West Maui Community Plan and its land use policies." (Page 47.)
- "Limit multifamily and single-family residential, business commercial, and industrial uses to areas designated for such purposes on the Community Plan Land Use Map." (Page 47.)

Your Committee voted 6-0 to recommend passage of the proposed bill on first reading and filing of the communication. Committee Chair Carroll, Vice-Chair Victorino, and members Baisa, Couch, Crivello, and Guzman voted "aye." Committee member Cochran was excused.

Your Committee is in receipt of a revised proposed bill, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO A-1 APARTMENT DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY (2) 4-3-009:005, LAHAINA, MAUI, HAWAII, THE SITE OF THE MAHINA SURF CONDOMINIUM," approved as to form

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and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Land Use Committee RECOMMENDS the following:

1. That Bill _____ (2015), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO A-1 APARTMENT DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY (2) 4-3-009:005, LAHAINA, MAUI, HAWAII, THE SITE OF THE MAHINA SURF CONDOMINIUM," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-108 be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



ROBERT CARROLL, Chair

lu:cr:15010aa:cmn

ORDINANCE NO. _____

BILL NO. _____ (2015)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO A-1 APARTMENT DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY (2) 4-3-009:005, LAHAINA, MAUI, HAWAII, THE SITE OF THE MAHINA SURF CONDOMINIUM

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.12 and 19.510, Maui County Code, a Change in Zoning from R-3 Residential District to A-1 Apartment District is hereby granted for that certain parcel of land situated at Lahaina, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 4-3-009:005, consisting of approximately 1.96 acres, and more particularly described in Exhibit "A," attached hereto and made a part hereof, and in Land Zoning Map L-996, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



JW MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

lu:misc:010abill01

EXHIBIT "A"

The land submitted to the Horizontal Property Regime is described as follows:

FIRST: All of that certain parcel of land (portion of the land described in Royal Patent Grant Number 1166 to D. Baldwin, et al.), situate, lying and being makai of the Lahaina-Honolua Government Road, also called the Honoapiilani Highway, at Mahinahina 1-2-3, Kaanapali, Island and County of Maui, State of Hawaii, and being LOT NUMBER NINE (9), of the MAHINAHINA-KAI SUBDIVISION, and thus bounded and described:

Beginning at a 3/4 inch pipe at the southeasterly corner of this lot and on the westerly side of Lahaina-Honolua Government Road, the coordinates of which point of beginning referred to the Government Survey Triangulation Station "LAINA" being 25,041.20 feet North and 4,812.51 feet West, and running thence by azimuths measured clockwise from true South:

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|----|------|-----|--------|--|
| 1. | 106° | 27' | 347.00 | feet along Lot 8 of Mahinahina - Kai Subdivision to a 3/4 inch pipe at the edge of sea beach; thence |
| 2. | 197° | 49' | 125.03 | feet along edge of beach to a 3/4 inch pipe; thence |
| 3. | 286° | 27' | 344.00 | feet along Lot 10 to Mahinahina - Kai Subdivision to a 3/4 inch pipe on the westerly side of Lahaina-Honolua Government Road; thence |
| 4. | 16° | 27' | 125.00 | feet along the westerly side of Lahaina-Honolua Government Road to the point of beginning. |

Containing an area of 0.991 acre, or thereabouts.

SECOND: All of that certain parcel of land (portion of the land described in Royal Patent Gant Number 1166 to D. Baldwin, et al), situate, lying and being makai of Lahaina-Honolua Government Road, also called the Honoapiilani Highway, at Mahinahina 1-2-3, Kaanapali, Island and County of Maui, State of Hawaii, and being LOT NUMBER EIGHT (8), of the "MAHINAHINA-KAI SUBDIVISION", and thus bounded and described:

Beginning at a 3/4 inch pipe at the southeasterly corner of this lot and on the Westerly side of Lahaina-Honolua Government Road, the coordinates of which point of beginning referred to Government Survey Triangulation Station "LAINA" being 24,921.32 feet North and 4,847.91 feet West and running thence by azimuths measured clockwise from true south:

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|----|------|-----|--------|---|
| 1. | 106° | 27' | 331.40 | feet along Lot 7 of Mahinahina-Kai Subdivision to a 3/4 inch pipe at the edge of sea beach; thence |
| 2. | 189° | 20' | 125.96 | feet along beach to a 3/4 inch pipe; thence |
| 3. | 286° | 27' | 347.00 | feet along Lot 9 of Mahinahina-Kai Subdivision to a 3/4 inch pipe on the westerly side of Lahaina-Honolua Government Road; thence |
| 4. | 16° | 27' | 125.00 | feet along westerly side of Lahaina-Honolua Government Road to the point of beginning. |

Containing an area of 0.973 Acre, or thereabouts